

APPENDIX VII

Discrimination Complaint Form

Note: We are asking for the following information to assist us in processing your complaint. If you need help in completing this form please let us know.

1. Complainant's Name _____
Address _____
City, State and Zip Code _____
Telephone Number (home) () _____
(business) () _____
2. Person discriminated against (if someone other than the complainant)
Name _____
Address _____
City, State and Zip Code _____
3. What is the name and location of the institution or agency that you believe discriminated against you?
Name _____
Address _____
City, State and Zip Code _____
Telephone Number () _____
4. Which of the following best describes the reason you believe the discrimination took place? Was it because of your:
a. Race/Color (specify) _____
b. National Origin (specify) _____

5. What date did the alleged discrimination take place? _____

6. In your own words, describe the alleged discrimination. Explain what happened and who you believe was responsible. _____

7. Have you tried to resolve this complaint through the internal grievance procedure at the institution or agency? ☐ Yes ☐ No

If yes, what is the status of the grievance? _____

Name and title of the person who is handling the grievance procedure.

Name _____

Title _____

8. Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court? ☐ Yes ☐ No

If yes, check all that apply:

Federal agency ☐

Federal court ☐

State agency ☐

State court ☐

Local agency ☐

Please provide information about a contact person at the agency/court where the complaint was filed.

Name _____

Address _____

City, State, and Zip Code _____

Telephone Number () _____

9. Do you intend to file this complaint with another agency? Yes ☐ No ☐

If yes, when and where do you plan to file the complaint?

Date _____

Agency _____

Address _____

City, State, and Zip Code _____

Telephone Number () _____

10. Has this complaint been filed with this agency before? Yes ☐ No ☐

If yes, when? Date _____

11. Have you filed any other complaints with this agency? Yes ☐ No ☐

If yes, when and against whom were they filed?

Date _____

Name _____

Address _____

City, State, and Zip Code _____

Telephone Number () _____

Give a brief description of the other complaint _____

What is the status of the other complaint? _____

12. Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.

Complainant's Signature

Date

**Consent Form for Use
of Personal Information
for Complainant**

Office for Civil Rights Consent Form

Please sign, and date section A or section B:

Print your name: _____

Institution named in complaint: _____

A. I have read the [Notice about Investigatory Uses of Personal Information](#). As a complainant, I understand that in the course of its investigation, OCR may find it necessary to reveal my identity to persons at the institution under investigation. I give my consent. I also understand that under the Freedom of Information Act, OCR may be required to disclose information gathered from me pursuant to this investigation, except in certain instances, such as where disclosure could constitute an unwarranted invasion of my privacy.

(Signature)

(Date)

OR

B. I wish to file this complaint, but I do not give my consent for use of personal information. I have read the Notice about Investigatory Uses of Personal Information and I understand that OCR may have to close this complaint if OCR is unable to proceed with an investigation without releasing my identity.

(Signature)

(Date)

Office for Civil Rights
Notice about Investigatory Uses of Personal Information

To resolve your complaint, OCR may need to collect and analyze personal information such as student records or employment records. No law requires you to give personal information to OCR and no sanctions will be imposed on complainants or other persons who do not cooperate in providing information during the complaint resolution process. However, if OCR is unable to obtain information needed to resolve your complaint, we may have to close your complaint.

The Privacy Act of 1974, 5 U.S.C. § 552a, and the Freedom of Information Act (FOIA), 5 U.S.C. § 552, govern personal information submitted to all Federal agencies, including OCR.

The Privacy Act of 1974 protects individuals from the misuse of personal information held by the Federal government. It applies to records that are kept and can be located by the individual's name, social security number, or other personal identifier. It regulates the collection, maintenance, use and dissemination of certain personal information in the files of Federal agencies.

The information OCR collects is analyzed by authorized personnel within the agency and will be used only for authorized civil rights compliance and enforcement activities. However, in order to resolve a complaint OCR may need to reveal certain information to persons outside the agency to verify facts or gather additional information. Such details could include the age or physical condition of a complainant. Also, OCR may be required to reveal information requested under FOIA (discussed below). OCR will not release information to any other agency or individual except in the one of the 11 instances defined in the Commission's regulation at 34 C.F.R. § 5b.9(b).

OCR does not reveal the name or other identifying information about an individual unless it is necessary for completion of an investigation or for enforcement activities against an institution that violates the laws, or unless such information is required to be disclosed under the FOIA or the Privacy Act. OCR will keep the identity of complainants confidential except to the extent necessary to carry out the purposes of the civil rights laws, or unless disclosure is required under the FOIA, the Privacy Act or otherwise by law.

**SAMPLE LETTER
ACKNOWLEDGING
RECEIPT OF
OFFICIAL COMPLAINT**

Date

**Ms. Joanne Doe
100 Any Street
Anytown, TN 37000**

Dear Ms. Doe:

This is to acknowledge that the Tennessee Higher Education Commission has received your complaint form alleging **(fill in the blank)** in **(Any County Schools)**. The Commission will conduct a preliminary review of the complaint form and make a determination as to whether we will or will not conduct an investigation. You will be notified of the results of this preliminary review.

Thank you for your assistance in this matter. If you have additional information you would like to provide, please send it to Richard G. Rhoda, Tennessee Higher Education Commission, Parkway Towers, Suite 1900, 404 James Robertson Parkway, Nashville, Tennessee, 37243.

Sincerely,

Richard G. Rhoda
Title VI Coordinator

**SAMPLE LETTER
NOTIFYING COMPLAINANT THAT
THE COMPLAINT WILL BE REFERRED
TO THE FEDERAL COGNIZANT AGENCY**

Date

**Ms. Joanne Doe
100 Any Street
Anytown, TN 37000**

Dear Ms. Doe:

The Tennessee Higher Education Commission has received your Title VI complaint from alleging that the <<**SCHOOL SYSTEM**>> is out of compliance with Title VI of the Civil Rights Act of 1964.

The Commission has been in contact with the United States Department of Education/Office of Civil Rights (USDE/OCR) concerning Title VI compliance in <<**SCHOOL SYSTEM**>>. Because of USDE/OCR's expertise in reviewing these types of complaints, the Commission and the USDE/OCR have tentatively agreed that USDE/OCR will be the lead agency in reviewing complaints involving this school system. Since, on the complaint form, you authorized the forwarding of the complaint to another agency; we will forward your complaint to USDE/OCR. USDE/OCR will contact you if additional information is needed.

We appreciate the interest you have shown in Title VI compliance. Our staff will be available to work with USDE/OCR and the school system to resolve any finding of non-compliance.

Sincerely,

Richard G. Rhoda
Title VI Coordinator

**SAMPLE LETTER NOTIFYING
COMPLAINANT THAT
THE TENNESSEE HIGHER
EDUCATION COMMISSION
WILL INVESTIGATE
THE COMPLAINT**

Date

Ms. Joanne Doe
100 Any Street
Anytown, TN 37000

Dear Ms. Doe:

The Tennessee Higher Education Commission will investigate the complaint that you recently submitted regarding possible non-compliance with Title VI of the Civil Rights Act of 1964 at <<**INSTITUTION**>>.

The complaint form you submitted appears to contain all required information the investigator will need to conduct the investigation. However, in the event additional information is needed, the investigator may need to call you at <<(XXX) YYY-ZZZZ>>. If this telephone number is not correct, please notify us within 15 days of the date of this letter.

or

In reviewing the complaint form, we found that the following additional information will be needed:

1.

2.

Please submit this additional information within 15 days of the date of this letter to me at the address appearing at the top of this letter. Also, our records show that you can be reached by telephone at <<(XXX) YYY-ZZZZ>>. If this contact information is no longer correct, please notify us within days of the date of this letter.

Sincerely,

Richard G. Rhoda
Title VI Coordinator

**SAMPLE LETTER ANNOUNCING
A COMPLAINT INVESTIGATION**

Date

**Ms. Joanne Doe
100 Any Street
Anytown, TN 37000**

Dear Ms. Doe:

Departmental regulations implementing Title VI of the Civil Rights Act of 1964 (copy enclosed) provide for a prompt investigation whenever a complaint or any other information indicates a possible failure to comply with Title VI or its implementing regulation. A complaint has been filed in this office which indicates a possible failure to comply with Title VI in the operation of the Commission of <<INSTITUTION>>.

Members of our office will conduct an investigation of this matter. Their present schedule will permit them to visit your program during the week of <<<Insert Date>>>. Please advise us promptly if that time is not convenient for you or your staff. You may confirm this time by phoning me at (615) 741-3605.

Please be assured of my appreciation of your cooperation in this important matter.

or

In reviewing the complaint form, we found that the following additional information will be needed:

Sincerely,

Richard G. Rhoda
Title VI Coordinator

**SAMPLE LETTER NOTIFYING
COMPLAINANT OF
AN INVESTIGATION**

Date

**Ms. Joanne Doe
100 Any Street
Anytown, TN 37000**

Dear Ms. Doe:

The matter referenced in your letter of <<<Insert Date>>> alleging racial discrimination in the operation of _____ Program will be investigated by staff from this office. The investigation has been scheduled for the week of <<<Insert Date>>>. Mr./Ms. _____ has been assigned to investigate the matter. He/she will contact you to establish a convenient time for you to discuss your complaint with him/her.

We appreciate your help in this important matter.

Sincerely,

Richard G. Rhoda
Title VI Coordinator

**SAMPLE LETTER INFORMING
COMPLAINANT THAT THE
TENNESSEE HIGHER EDUCATION
COMMISSION WILL NOT
INVESTIGATE THE COMPLAINT**

Date

**Ms. Joanne Doe
100 Any Street
Anytown, TN 37000**

Dear Ms. Doe:

This is to inform you that the Tennessee Higher Education Commission will not investigate the complaint that you recently submitted regarding possible non-compliance with Title VI of the Civil Rights Act of 1964 in <<**INSTITUTION**>>. We will not investigate the complaint because

Thank you for notifying the Tennessee Higher Education Commission of your concerns. You may want to contact the Title VI Coordinator in your local school system, the Tennessee Human Rights Commission or the U.S. Department of Education Office for Civil Rights. These agencies also investigate Title VI complaints.

Sincerely yours,

Richard G. Rhoda
Title VI Coordinator

**SAMPLE LETTER ADVISING
COMPLAINANT THAT THE
COMPLAINT IS NOT
SUBSTANTIATED.**

Date

**Ms. Joanne Doe
100 Any Street
Anytown, TN 37000**

Dear Ms. Doe:

The matters referenced in your letter-complaint of <<Insert Date>>, alleging racial discrimination in the operation of << Insert Name of Program>> have been investigated by staff from this office.

The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964 had in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin in any programs receiving federal financial assistance.

My staff has analyzed the materials and facts gathered during the course of their investigation of your complaint for evidence of a failure to comply with any of the civil rights laws administered by this office. We did not find evidence that any of those laws have been violated.

We must therefore advise you that your complaint has not been substantiated, and that we are closing this matter in our files.

Thank you for taking the time to contact this office. If we can be of assistance to you in the future, do not hesitate to call us.

Sincerely,

Richard G. Rhoda
Title VI Coordinator

**SAMPLE LETTER
ANNOUNCING A
COMPLIANCE
REVIEW**

Mr. John Doe
Superintendent of Schools
100 Main Street
Anytown, TN 37000

Dear Mr. Doe:

Departmental regulations implementing Title VI of the Civil Rights Act of 1964 (copy enclosed) provide for a periodic review of the practices of recipients receiving federal assistance, to determine whether they are complying with nondiscrimination requirements for Title VI.

Recipients are selected for compliance reviews on the basis of population and racial character of their locality; existence, size and nature of community populations; date of last compliance review; complaints, etc. Your program, among others in your area, has been selected.

Members of our staff will conduct the review. Their present schedule will permit them to visit your program during the week of _____ - _____. Please advise us promptly by telephone if that time is inconvenient for you or your staff. You may confirm this time, or suggest another, by calling _____ at (615) 555-5555.

I appreciate your cooperation in this important matter.

Sincerely,

Richard G. Rhoda
Title VI Coordinator

**SAMPLE LETTER
CONFIRMING A
COMPLIANCE
REVIEW**

Mr. John Doe
Superintendent of Schools
100 Main Street
Anytown, TN 37000

Dear Mr. Doe:

This is to confirm the conversation between you and a member of my staff in which it was agreed that staff from this office would conduct an on-site review of the _____ Program to determine its compliance with Title VI of the Civil Rights Act of 1964.

The staff member assigned to conduct the investigation of your <<program>> is <<NAME>>. <<NAME>> and a team of investigators will be in your city <<Day, Date>>. They expect to arrive at your office at 9:30 a.m. on <<Day>>.

In order to facilitate our review, and minimize our on-site staff time, please have available for our visit the following records and/or information as applicable:

1. All records and assurances required to be maintained by your office for compliance with Title VI and its implementing rules and regulations;
2. Racial breakdown of participants in all projects administered by your program;
3. A description of the program's application processing system;
4. A compilation of the program's staff assignments by race, sex, title, and salary and a copy of the program's current personnel policy;
5. A description of grievance procedures now being used by your program.

Investigators may also need access to other records and personnel. I appreciate your making these available to them as required.

Thank you for your cooperation in this important matter.

Sincerely,

Richard G. Rhoda
Title VI Coordinator

**SAMPLE LETTER
NOTIFYING COMPLAINANT
OF TITLE VI COMPLIANCE
STATUS OF RESPONDENT**

Ms. Juanita Doe
Superintendent of Schools
1234 Main Street
Anytown, TN 37000

Dear Ms. Doe:

The matters referenced in your complaint of <<date>> alleging racial discrimination in the operation of _____ <<Program>> have been investigated by staff from this office.

My staff found several apparent violations of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter. Efforts are underway to correct these deficiencies.

Thank you for calling this important matter to our attention. You were extremely helpful during our review of the program. [If a hearing is requested, the following sentence may be appropriate.] You may be hearing from this office, or from federal authorities, if you services should be needed during the administrative hearing process.

Sincerely,

Richard G. Rhoda
Title VI Coordinator

**SAMPLE LETTER
NOTIFYING COMPLAINANT
OF THE RESULTS OF THE
INVESTIGATION**

Mrs. John Doe
1234 Main Street
Anytown, TN 37000

Dear Mrs. Doe:

This is to notify you that the Tennessee Higher Education Commission has completed its investigation into the complaint that you submitted regarding possible non-compliance with Title VI of the Civil Rights Act of 1964 in <<INSTITUTION>>. Based on the results of the investigation, this office has concluded that <<INSTITUTION>> did violate the provisions of Title VI of the Civil Rights Act of 1964.

This office is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. 2000d et seq., and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance from the Commission, and therefore, is subject to the requirements under Title VI.

Under the Title VI implementing regulation at 34 C.F.R. § 100.3(a), no person may be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination on the ground of race, color, or national origin under any program to which the regulation applies. Racially based conduct that has such an effect and that consists of different treatment of students on the basis of race by a recipient's agents or employees, acting within the scope of their official duties, violates Title VI.

Because of the finding of non-compliance, <<INSTITUTION>> has been given 30 days to submit a corrective action plan to remedy the non-compliance with Title VI of the Civil Rights Act of 1964.

Thank you again for bringing this matter to our attention. If you need additional information, please contact me at (615) 741-3605.

Sincerely yours,

Richard G. Rhoda
Title VI Coordinator